

**REMARKS/ARGUMENTS**

**Rejection of claims 1-8 under 35 U.S.C 102(b) as being anticipated by Kim (Us 6,501,124):**

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Claim 1:

Claim 1 has been amended to overcome this rejection. Specifically, the limitation “the floating gate comprises an opening positioned above the first insulating layer, and the opening is used to form a wire therein to connect to the control gate” has been added to claim 1 to overcome this rejection. This limitation finds support in the specification in paragraph 0027, in Fig. 3, and in original claim 3, for instance, and no new matter is introduced by this amendment.

Kim discloses a non-volatile semiconductor memory device, but he fails to expressly or inherently teach using an opening of the floating gate to form a wire therein to connect to the control gate throughout his whole specification. As set forth in MPEP 2131, “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”, the amended claim 1 is not anticipated by Kim and is patentable. Reconsideration of claim 1 is therefore politely requested.

Claim 4:

Claim 4 includes the limitation “the substrate comprises a well of a first conductivity type positioned in the first region and the second region”. Kim teaches using a first conductivity type substrate, instead of a first conductivity type well. According to MPEP 2131, this limitation is not anticipated by Kim. Therefore, reconsideration of claim 4 is politely requested.

Claim 7:

Claim 7 includes the limitation “the first insulating layer comprises a composite layer composed of an oxide layer, a silicon nitride layer, and a silicon oxide layer”. Kim teaches using a single oxide layer (col. 7, line 35), instead of a composite layer composed of an oxide layer, a silicon nitride layer, and a silicon oxide layer. According to MPEP 2131, this limitation is not anticipated by Kim. Therefore, reconsideration of claim 7 is politely requested.

10 Claims 2, 5-6, 8:

Claims 2, 5-6, and 8 are dependent on claim 1, and should be allowed if claim 1 is found allowable. Reconsideration of claims 2, 5-6, and 8 is therefore requested.

Claim 3:

15 Claim 3 has been cancelled.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,

Winston Hsu

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- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)